

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERNANDO MAZON,

Plaintiff,

v.

RADU, et al.,

Defendants.

No. 2:25-cv-0554 TLN CKD P

ORDER

This matter is before the Court on pro se Plaintiff Fernando Mazon's ("Plaintiff") motion for an extension of time to file objections. (ECF No. 12.) For the reasons set forth below, the Court GRANTS Plaintiff's motion.

On May 13, 2025, the assigned magistrate judge issued findings and recommendations to dismiss this action without prejudice because Plaintiff had not filed an amended complaint as directed. (ECF No. 9.) Plaintiff was given fourteen days after being served with these findings and recommendations to object. (*Id.*) On June 18, because no objections had been received, this Court adopted the findings and recommendations. (ECF No. 10.) Judgment was entered that same day. (ECF No. 11.)

On June 30, 2025, Plaintiff filed the instant motion seeking an opportunity to file objections. (ECF No. 12.) Plaintiff states the magistrate judge's May 13, 2025, order was not placed in his hands until June 12, 2025. (*Id.*) Plaintiff argues his failure to file objections were

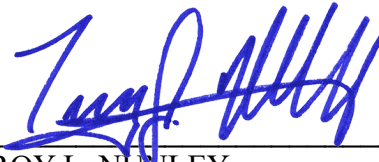
1 for reasons beyond his control and requests the Court to allow him to file his objections. Plaintiff
2 further states a desire to proceed with this action. (*Id.* at 1–2.) Under these circumstances, the
3 Court finds it appropriate to set aside the judgment and allow Plaintiff an extension to file his
4 objections to the findings and recommendations. *See, e.g., Allen v. Delacruz*, No. 1:22-CV-
5 00633-JLT-HBK, 2022 WL 21816840, at *1 (E.D. Cal. Aug. 12, 2022) (similarly setting aside
6 judgment where due to circumstances outside his control, Plaintiff was unable to file timely
7 objections).

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Court’s prior order (ECF No. 10), and the judgment entered in this action on
10 June 18, 2025, (ECF No. 11) are VACATED.
- 11 2. Plaintiff’s request for an extension of time to file objections to the magistrate judge’s May
12 13, 2025, findings and recommendations, (ECF No. 12), is GRANTED.
- 13 3. Plaintiff’s objections must be filed within 30 days after being served with this order.

14 Date: July 15, 2025

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TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE